

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DARIUS E. LEFLORE,	:	CASE NO. 1:10-CV-0268
Petitioner,	:	
vs.	:	OPINION & ORDER
MARGARET BRADSHAW,	:	[Resolving Doc. Nos. 1 , 7 & 9]
Warden,	:	
Respondent.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Darius LeFlore petitions for a writ of habeas corpus under [28 U.S.C § 2254](#). [[Doc 1](#).] Petitioner LeFlore seeks relief from the eight-year sentence that an Ohio state court imposed following his convictions on two counts of robbery. [[Doc 1](#).] Petitioner LeFlore raises one ground for relief: “The Conviction was obtained without sufficient Evidence of Petitioner’s Guilt as Required by the United States Constitution.” [[Doc 1](#).]

This matter was referred to Magistrate Judge Greg White pursuant to Local Rule 72.2. On October 6, 2010, Magistrate Judge White issued a Report and Recommendation recommending that this Court deny LeFlore’s petition. [[Doc. 9](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within

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fourteen days of service. *Id.*; Fed. R. Civ. P. 72(b)(2). Failure to object within this time waives a party's right to appeal the district court's judgment. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the record and the parties' briefs in this case, the Court agrees with the conclusion of Magistrate Judge White.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference, and **DENIES** LeFlore's habeas petition. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: November 1, 2010

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE